

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MATTHEW RITTER,

Plaintiff,

v.

MIKE MARSHOWSKI, et. al.,

Defendants.

Case No. 3:12-cv-00194-LRH-WGC

ORDER

In its last order screening Plaintiff's Second Amended Complaint (SAC) (Electronic Case Filing (ECF) No. 33) pursuant to 28 U.S.C. § 1915, the court advised Plaintiff that he could proceed with his claims for malicious prosecution and fabrication of evidence under the Fourth and Fourteenth Amendments as to defendants Marshowski, Hughes, Hildreth, Galletti, and Gensel. (ECF No. 34 at 4.) Since the SAC contained no substantive allegations as to Springs, the court indicated that the order dismissing Springs with prejudice stands. (*Id.*) With respect to the allegations in the SAC as to Elko and Elko County, the court gave Plaintiff one final opportunity to amend to state a colorable claim for relief against them, or to advise the court he no longer wished to pursue a claim against them. (*Id.* at 4-6.) On June 2, 2016, Plaintiff filed a document indicating that he did not wish to pursue a claim against Elko or Elko County. (ECF No. 37.) To the extent this document was lodged as a motion, it is **GRANTED**.

Therefore, the action shall **PROCEED** only with respect to the malicious prosecution and fabrication of evidence claims in the SAC under the Fourth and Fourteenth Amendments as to defendants Marshowski, Hughes, Hildreth, Galletti, and Gensel.

An in forma pauperis plaintiff may rely upon the U.S. Marshal to effect service. *See* Fed. R. Civ. P. 4(c)(3). Thus, the Clerk of the Court is ordered to **ISSUE** a summons for each named defendant and deliver the same to the U.S. Marshal for service. The Clerk should **SEND** Plaintiff

1 sufficient copies of the SAC and service of process forms (USM-285) for each defendant.
2 Plaintiff shall have twenty days within which to furnish to the U.S. Marshal the required form
3 USM-285 for each defendant. The U.S. Marshal will then proceed with service on the
4 defendants. Within twenty days after receiving from the U.S. Marshal a copy of the USM-285
5 form showing whether service has been accomplished, Plaintiff must file a notice with the court
6 identifying which defendants were served and which were not served, if any. If Plaintiff wishes
7 to have service again attempted on any unserved defendant, then a motion must be filed with the
8 court identifying the unserved defendant(s) and specifying a more detailed name and/or address
9 for said defendant, or whether some other manner of service should be attempted. Plaintiff is
10 reminded that, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service must be
11 accomplished within ninety days of the date of this Order.

12 From now on, Plaintiff shall serve upon defendants or, if an appearance has been entered
13 by counsel, upon the attorney(s), a copy of every pleading, motion or other document submitted
14 for consideration by the court. Plaintiff shall include with the original paper to be filed with the
15 clerk of the court a certificate stating the date that a true and correct copy of the document was
16 mailed to the defendants or counsel for defendants. The court may disregard any paper received
17 by a District Judge or a Magistrate Judge which has not been filed with the clerk of the court, and
18 any paper received by a District Judge, Magistrate Judge or Clerk of the Court which fails to
19 include a certificate of service.

20 **IT IS SO ORDERED.**

21 DATED: June 3, 2016.

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23 WILLIAM G. COBB
24 UNITED STATES MAGISTRATE JUDGE
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